

O.A.No.874/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 01/11/2019.

Heard Shri Dr. A.Y.Humne, the applicant in person and Shri S.A.Sainis, the Id. P.O. for the State.

2. As submission made by the applicant, the facts of the case are as below:-

M.P.S.C. had published advertisement no. 30/2018 on 14/06/2018 (Annexure-A-1, P.B., Pg. No. 15). The Id. P.O. submitted that in advertisement para no. 4(i) it is given that age criteria mentioned for General candidate is 45 years and for backward class it is 50 years. However, as per the applicant it is contrary i.e. in para no. 4(ii) it is mentioned that there is no age limit for the employees in the State Government of Maharashtra. The applicant has also pointed out merit list which was published by M.P.S.C. after the interview on P.B., Pg. No. 19 (Annexure-A-2) where applicant is shown as open candidate at Sr. No. 5 and secured 42 marks. The other candidate is at Sr. No. 4 in open category has obtained 46 marks. As per records, Government issued appointment letter to the candidate in merit at Sr. No. 4 i.e. Mrs. Kalpana Vishnupant Upalekar vide order dated 29/06/2019 (Annexure-A-4, P.B., Pg. No. 21). However, due to short period of retirement Dr. Kalpana V. Upalekar vide her letter dated 29/06/2019 refused to join posting given by Government as Dean, Medical College, Akola vide order dated 29/06/2019. Applicant has submitted representation to the State Government vide Annexure-A-6 & 8 as well as to M.P.S.C. vide Annexure-A-7 & 9.

3. M.P.S.C. vide his letter dated 26/09/2019 (Annexure-A-10) has written to applicant and given copy to Secretary, Government of Maharashtra where it has been mentioned that if Government makes demand to M.P.S.C. for the candidate then only M.P.S.C. can recommend from wait listed candidates. It has been also mentioned that the wait list is till 05/11/2019 only.

4. In view of all the facts pointed out in all above paras issue notice to the respondents. Matter will be placed before regular D.B. on 04/11/2019 and it will be high on board. Meanwhile, applicant and Id. P.O. are directed to produce the original application submitted to M.P.S.C. by applicant which must be in the possession of M.P.S.C.. The applicant should also get it from its own record that should also be placed on record.

5. Issue notice to R-2, returnable on 04-11-2019. Learned P.O. waives notice for R-1. Hamdast allowed.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. **S.O. 04-11-2019.**

12. **Steno copy is granted.**

Vice Chairman

Date:-01/11/2019.

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